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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,775	08/31/1999	LASZLO ERDELY JR.	1858.003	1784

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EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2643

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Time has been restarted from
the date of this communications.


KIMBERLY D. SPEARS
SUPERVISORY LEGAL INSTRUMENTS EXMR.
TECHNOLOGY CENTER 2600

Office Action Summary

Application No.

09/386,775

Applicant(s)

ERDELY ET AL.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-15 is withdrawn in view of the newly discovered reference(s) to Sansom et al. (U.S. Pat. #: 5,943,404 and 6,301,340). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sansom et al. (U.S. Pat. #: 5,943,404).

Regarding claims 1, 2, 16 and 17, Sansom et al. ("Sansom") teaches a system (as shown in figures 4 and 17) and a method of providing uninterrupted digital communications (i.e., ISDN communication) between a central office (i.e., C.O. switch 11 as shown in figure 3) and a customer premises (i.e., DTE 22 or POTS 25) comprising the following features:

placing a local loop generation mechanism (i.e., monitor mechanism including transceivers, microcontroller, etc.) in series with a communications path between the central office and the customer (tip and ring 241 and 242 or communication path 240);

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placing a frequency-selective filter (i.e., auxiliary digital/analog interface 250 or 750 or 10 KHz tone detector 268) in parallel with the local loop generation mechanism.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 3-6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom et al. (U.S. Pat. #: 5,943,404) in view of McNamara et al. (U.S. Pat. #: 5,974,139 cited in the First (1st) Office Action).

Regarding claims 3 and 4, Sansom teaches all subject matters as claimed above, except for the frequency selective filter adapted to pass at least those frequencies, which carry digital information. However, McNamara teaches the line isolation device comprising the high-pass

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filter to filter out the ADSL signal (col.7, line 57 – col.8, line 6; col.10, lines 21-29) for a purpose of filtering out the POTS signals.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the frequency selective filter as a high pass filter, as taught by McNamara, in view of Sansom in order to filter out unwanted incoming signals to the system.

Regarding claim 5, McNamara further teaches the line isolation device 70 comprising the low-pass or bandpass filter to filter out the ADSL signals (col.7, lines 44-56 and col.10, lines 30-37).

Regarding claim 6, Sansom further teaches limitations of the claim in figure 4, switch contacts 261 and 262 in figure 4 or switch 720 in figure 7.

Regarding claim 11, McNamara further teaches the limitations of the claim in col.7, line 64 – col.8, line 6.

Regarding claims 12-13, McNamara further teaches the limitations of the claim in col.8, lines 7-21.

Regarding claim 14, McNamara further teaches the limitations of the claim in col.1, lines 29-38.

Regarding claim 15, McNamara further teaches the limitations of the claim in col.9, line 29 – col.10, line 29.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom et al. (U.S. Pat. #: 5,943,404) in view of McNamara et al. (U.S. Pat. #: 5,974,139) as applied to claim

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1 above, and further in view of Alpha Communications (Product Specification Sheet, Rev. 1-12/98 also cited in the previous First Office Action).

Regarding claims 7-9, Sansom and McNamara teaches the network interface device providing connections of telephone lines between the central office and subscriber-own equipment as stated above, except for the use of an RJ71C terminal block in the system. However, the RJ71C terminal block is known those skilled in the art as a junction phone box for connection arrangement of 12 pair of telephone lines without interrupting any other pairs. Alpha Communications teaches such RJ71C terminal block or jacks for the purpose of connecting central office lines to the subscriber-own equipment in the doorbell security system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the RJ71C terminal block, as taught by Alpha Communications, into view of Sansom and McNamara, in order to arrange connections of the telephone lines in the system.

Regarding claim 10, McNamara teaches the line isolation device (LID) 70 comprising the highpass and low pass filter to splitter the incoming signals for digital data modem and POTS devices, respectively. Thus, with incorporation of teachings of Alpha Communications, the LID is obviously modified such as replacing or substituting with an RJ71C in order to provide the same functions as of the LID 70, that are, the customer premises with a voice communication ports and a data communication port.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sansom et al. (U.S. Pat. #: 6,301,340) is Continuation of Sansom Patent '404 as applied above.

Getchell also teaches a system (see POST filter 14 in figure 1 which configured in parallel to xDSL transceiver 20 and other POTS line cards) and a method of providing uninterrupted digital communications between a central office and a customer premises as recited in claims 1-17.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

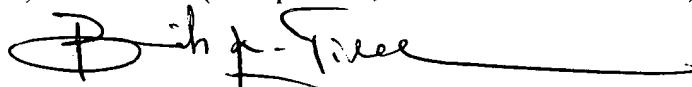
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



**BINH TIEU
PRIMARY EXAMINER**

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Date: February 03, 2004